IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	**CASE NO. 8:07CR359**
	)	
Plaintiff,	)	
	)	
vs.	)	**TENTATIVE FINDINGS**
	)	
ANDRES ARZA,	)	
	)	
Defendant.	)	

The Court has received the Presentence Investigation Report ("PSR") and the parties' objections thereto (Government - Filing No. 54; Defendant - Addendum).[1] *See* Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker,* 543 U.S. 220 (2005), the sentencing guidelines are advisory.

The Defendant's objection is that he was not given credit for the safety valve. The government states that he does qualify for the safety valve. (Filing No. 54.)

IT IS ORDERED:

1.   The parties' objections to the Presentence Investigation Report (Filing No. 54; Addendum) are granted;

2.   Otherwise the Court's tentative findings are that the Presentence Investigation Report is correct in all respects;

3.   If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion

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[1]Although captioned as an "adoption" of the PSR, the government's filing is more accurately characterized as an objection. (Filing No. 54.)

challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4.   Absent submission of the information required by paragraph 3 of this Order, my tentative findings may become final; and

5.   Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 26th day of June, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge